REMARKS

This amendment is in response to the Office Action of July 18, 2007 in which claims 1, 2, 5, 17-19 and 22 - 24 were rejected and claims 3-4, 6-16, 20-21 were objected to.

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Various of the previously presented claims are changed in ways believed related only to matters of form. For example, reference numerals/labels are removed from the claims, which change does not affect the scope of the claims per MPEP § 608.01(m) (the use of reference characters is considered as having no effect on the scope of the claims). Also, the claims are amended to remove "step of" language.

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Claims 1-2, 5, 17-19 and 22-24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. (U.S. Patent No.: 6,997,989) in view of Adachi (U.S. Patent No.: 4,270,148).

Regarding independent claims 1, 5 and 17, the Examiner's arguments are inaccurate and do not follow the MPEP guidelines and the Exmainer's interpretation of the quoted references needs further clarification in order to distinguish the present invention from these references.

MPEP paragraph 2143 states:

"To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a

reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. ***In re Vaeck***, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

For example, in regard to independent claim 1 of the present invention (as well as other rejected independent and dependent claims), the reference of Maeda et al. quoted by the Examiner, does not disclose any steps recited, e.g., in claim 1 (and other claims rejected by the Examiner) and completely irrelevant to the present invention. Meada et al. disclose sync code detection and removal means (as a part of error correction apparatus) for removing the frame Sync code (see col. 4, line 36 of Maeda et al.), which is the starting point for the present invention and has nothing to do with novel algorithm for identifying and removing padding bytes as disclosed in different embodiments in claim 1 (and other rejected claims) of the present invention. For example, on page 11, lines 11-13 of the present patent application, it is stated in reference to figure 2: "... in a first step **30**, the video data signal **25** with **the removed synchronization bytes** but with the intact padding bytes is provided to the FSP decoding means **16**. **"The removed synchronization bytes"** are removed per prior art disclosed by Maeda et al., as stated above, and is a starting point for implementing an algorithm described in regard to figure 2 and claim 1 and other independent and dependent claims of the present invention, as stated herein.

Furthermore, the Examiner's reference to Adachi who describe **fill bits** referred to by the Examiner (see col. 1, lines 25-38 of Adachi) is also irrelevant because the background section (section 2. Problem Formulation) of the present patent application describes in detail insertion of a padding byte in JPEG data (again as a stating point for implementing embodiments of the present invention).

Therefore both references and/or their combination (Maeda et al. and Adachi) has nothing to do with the present invention and do not teach any novel embodiments of the present invention, as shown above, contrary to what is alleged by the Examiner. Therefore, the obviousness rejection (see MPEP paragraph 2143 quoted above) is inapplicable.

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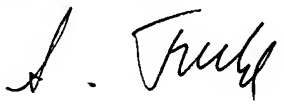
The objections and rejections of the Office Action of July 18, 2007 are shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-24 to issue is solicited.

Respectfully submitted,



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